



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 18, 2025

By ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Berenson v. Biden, et al.*, No. 23 Civ. 3048 (JGLC)

Dear Judge Clarke:

This Office represents the Federal Defendants in the above-referenced action. The undersigned counsel has entered a notice of appearance in this matter today, given the ongoing parental leave of the Assistant United States Attorney who has been handling this matter.

I write regarding the Court's order, dated April 25, 2025, temporarily staying this matter as to the Federal Defendants. ECF No. 126. In seeking that relief, the Federal Defendants requested a three-month stay and proposed submitting a status report one week before the expiration of any stay that the Court ordered. ECF No. 122. The Department of Justice is continuing to consider its position in this case with respect to the official capacity defendants in light of Executive Order 14149, "Restoring Freedom of Speech and Ending Federal Censorship," 90 Fed. Reg. 8,243 (Jan. 20, 2025), and the individual capacity defendants continue to assess the issue of their representation in this matter. These assessments are also taking into account the Court's recently issued Opinion and Order granting the Non-Stayed Defendants' motions to dismiss. ECF No. 127. The undersigned counsel will be on leave from July 21, 2025, through July 25, 2025. Given those circumstances, the Federal Defendants respectfully request leave to submit a further status report to the Court on August 1, 2025.

I thank the Court for its consideration of this request.

Respectfully,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: /s/ Rebecca S. Tinio
REBECCA S. TINIO
Assistant United States Attorney
Tel.: (212) 637-2774
Email: Rebecca.Tinio@usdoj.gov